

Regular Session, 2010

HOUSE BILL NO. 876

BY REPRESENTATIVES ST. GERMAIN AND DOVE AND SENATOR N.
GAUTREAUX

FISHING/OYSTERS: Removes the requirement for payment of a survey fee for oyster
leases

1 AN ACT

2 To amend and reenact R.S. 56:427(A) and 428(B), relative to oyster leases; to delineate
3 responsibility for obtaining a survey of the lease area; to provide relative to a lease
4 application fee; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:427(A) and 428(B) are hereby amended and reenacted to read as
7 follows:

8 §427. Initial application for lease

9 A. Any person who qualifies under this Subpart and who desires to lease a
10 part of the bottom or bed of any of the waters of this state as provided in this Subpart
11 shall present to the secretary a written application, ~~with a cash deposit of such~~
12 ~~amount as is determined by the department.~~ and pay an application fee set by the
13 commission. This application shall contain the name and address of the applicant
14 and a reasonably definite description of the location and amount of land covered by
15 water desired by the applicant. The applicant shall ask that the application be
16 registered, ~~that the water bottom be surveyed, that a plan or map of survey thereof~~
17 ~~be made,~~ and that the water bottom described be leased to the applicant under the
18 provisions of this Subpart. The department shall then register the application, shall
19 order an examination to determine whether the water bottoms applied for are

1 leasable, and shall determine the basis upon which the rental of the lease shall be
2 fixed. If the area is found to be leasable, ~~a survey and plan shall be made at the~~
3 ~~expense of the applicant, at a fee to be fixed by the commission. The expense shall~~
4 ~~be paid by the applicant to the department in compensation for the services of~~
5 ~~making the survey, at the time the survey is made.~~ the applicant shall submit to the
6 department a survey of the area for which the application was submitted. Such
7 survey shall have been conducted in accordance with the standards required by the
8 department. The application shall remain in effect and valid until such time as the
9 survey is complete. If the application is favorably acted upon, the secretary may, at
10 his option, execute a lease for the water bottoms to the applicant as soon as the
11 survey has been made, and the plan or map thereof has been filed with the
12 department, ~~and the costs have been paid by the applicant.~~

13 * * *

14 §428. Commencement and duration of lease; renewal; fixing of rental rates

15 * * *

16 B. The secretary has sixty days from the date of expiration of a lease to
17 execute a renewal lease. If a renewal lease is not executed within this sixty-day
18 period, the lease is automatically renewed. In either situation, the fifteen-year period
19 of the renewal lease shall begin on the first day following the expiration date of the
20 prior lease, and the renewal lease shall be assigned the same number used for the
21 prior lease with the addition of a designation to indicate which year the lease was
22 renewed. ~~A~~ If a leaseholder wishes to change the configuration of his lease in
23 accordance with the department's rules governing leased areas, a resurvey and plan
24 of the water bottom included in a renewal lease shall be made by the department at
25 ~~the expense of the leaseholder~~ in accordance with the standards required by the
26 department and at the fee set by the commission and a copy supplied to the
27 department. ~~This resurvey and plan may be made subsequent to the beginning date~~
28 ~~of a renewal lease. The expense of the resurvey and plan shall be paid by the~~
29 ~~leaseholder in compensation for the services of making the resurvey at the time the~~

1 ~~resurvey is made. The~~ The department may resurvey any lease for potential conflicts
2 with department rules and regulations. If the department determines that a resurvey
3 will be conducted, the leaseholder shall be given ten days written notice of the
4 scheduled resurvey by the department and may be present at the resurvey.

5 * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

St. Germain

HB No. 876

Abstract: Relative to oyster lease applications, repeals the requirement for a survey fee to be paid and instead requires the applicant to obtain the survey and submit it to the Dept. of Wildlife and Fisheries.

Present law, relative to oyster leases, requires the applicant for such or the lease holder of record to pay to the Dept. of Wildlife and Fisheries a lease survey fee to conduct a survey of the acreage applied for or, in the case of a renewal, the acreage under lease.

Proposed law removes the requirement for such survey fee and requires the applicant or lease holder of record to obtain a survey and submit the survey to the Dept. of Wildlife and Fisheries. Authorizes the department to resurvey to determine conflict with department rules.

Proposed law removes the requirement for a survey on a lease renewal but requires a survey to be conducted in accordance with the department's standards whenever a leaseholder wishes to change the configuration of his lease in accordance with the department's rules governing leased areas.

(Amends R.S. 56:427(A) and 428(B))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Removed the requirement for a survey on a lease renewal but required a survey to be conducted in accordance with the department's standards whenever a leaseholder wishes to change the configuration of his lease in accordance with the department's rules governing leased areas.